

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THE SATANIC TEMPLE

PLAINTIFF,

V.

CITY OF BELLE PLAINE, MN

DEFENDANT.

CASE NO. 19-CV-01122 (WMW/LIB)

Hearing on Dec. 15, 2020 at 1:30 pm

**CORRECTED MOTION TO AMEND
SCHEDULING ORDER AND FOR LEAVE TO
AMEND THE COMPLAINT; OR,
ALTERNATIVELY, FOR A CONTESTED
NON-SUIT**

COMES NOW Plaintiff The Satanic Temple (“**TST**”), by and through counsel of record, on motion for leave to amend the complaint pursuant to FRCP 15 and to amend the scheduling order pursuant to FRCP 16 and Local Rule 16.3; or, alternatively for a contested non-suit pursuant to FRCP 41.

1. This is a corrected motion. See doc. 56 for the original. There, Counsel errantly included briefing in the same document as the motion. The parties have conferred about the error and the City agreed that TST could refile these corrected papers past the December 1 deadline.
2. On August 15, 2019, the Court entered a scheduling order (Doc. 18) which sets the following deadlines:
 - (a) October 15, 2019 – deadline to amend pleadings;

- (b) June 30, 2020 – Plaintiff’s expert disclosure;
 - (c) August 31, 2020 – Defendant’s expert disclosure;
 - (d) December 4, 2020 – Deadline to complete discovery;
 - (e) January 5, 2021 – Deadline for nondispositive motions;
 - (f) February 5, 2021 – Deadline for dispositive motions; and
 - (g) June 5, 2021 – Deadline to be trial-ready.
3. TST moves the Court to extend these deadlines. TST proposes the following deadlines:
- (a) December 31, 2020 – deadline to amend pleadings
 - (b) June 30, 2021 – Plaintiff’s expert disclosure
 - (c) August 31, 2021 – Defendant’s expert disclosure;
 - (d) December 4, 2021 – deadline to complete discovery;
 - (e) January 5, 2022 – deadline for nondispositive motions;
 - (f) February 5, 2022 – deadline for dispositive motions; and
 - (g) June 5, 2022 – deadline to be trial-ready.
4. TST also moves the Court for leave to amend the complaint so TST can (1) correct the pleading deficiencies identified in the order of dismissal; (2) reassert

the constitutional issues; and (3) raise two new constitutional issues based on further factual and legal research.

(a) A proposed amended complaint is attached as **EXHIBIT 1**.

(b) Exhibits to the complaint are compiled and attached as **EXHIBIT 2**.

(c) A redline comparison of the complaints (excluding the exhibits) is attached as **EXHIBIT 3**.

5. If the Court denies the above motions, 'TST' alternatively moves for a non-suit.

WHEREFORE Plaintiff prays this Court enter orders (1) extending the deadlines to amend the pleadings, provide expert disclosures, and complete discovery (which will necessitate extending out both motions deadlines and the trial-ready deadline) and (2) granting leave to file the attached proposed amended complaint; or, alternatively, Plaintiff prays for an order permitting 'TST' to dismiss the promissory estoppel claim without prejudice so all of these issues can be cleaned up in a second round of litigation.

Respectfully submitted on December 4, 2020,
on behalf of The Satanic Temple

By: /s/ Matthew A. Kezhaya

Matthew A. Kezhaya, ABA# 2014161



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